

(C) Remarks

Original claims 17 – 23, inadvertently cancelled from this application, have been reintroduced as new claims 30 -36. Dependent claims 8, 14, and 12 have been amended in a manner believed to overcome the rejections of claims 8, 9, 12, and 14 under 35 USC 112. Independent claim 1 has been amended in a manner to better distinguish applicants' invention from the combination of prior art as set forth in the rejection of applicants' claims under section 103 by the examiner. Reconsideration is respectfully requested to the merits of claims 10 and 24 and claim 1 as now amended. The rejection contends that it would be obvious to modify the gripper conveyor of Rudolph et al '821 and Strutz et al '525 to rotate about an acute axis in view of the rotary gripper conveyor 4 in view of Southcott or 31, 32 of Rouly et al. In the secondary references, rotation of the "conveyor 4 . . . 31, 32" is about an axis that is inclined at an angle and not combined with other linear or rotary forms of motion. Applicants, respectfully point out that merely relocating the rotational axis of the gripper conveyor of Rudolph or Strutz to a 45-degree angle, for example, will result inoperativeness of the gripper conveyor because the workpiece cannot be simply rotated between the decorator conveyor and the supply/discharge conveyor. In Strutz and Rudolph, the workpieces must rotate in the plane of the supply and discharge conveyors to prevent destructive impact with the conveyors because the workpiece must be rotated horizontally from/onto the conveyors. Such impact will necessarily occur should the gripper conveyor rotate about an inclined axis that is acute to both the decorator conveyor and the supply/discharge conveyor. The failure of the prior art alone or in combination is solved by the recitations in independent claims 1, 10, 24, and 30 as follows:

Claim 1 . . . “a drive to reciprocate and rotate said workpiece gripper about a rotational axis forming acute angles with said longitudinal central axis of a workpiece in each of said vertical orientation and said horizontal orientation.”

Claim 10 . . . “control rods for pivotally displacing said grippers to control receiving and delivery of workpieces when the longitudinal central axes thereof are at each of said first orientation and said second orientation.”

Claim 24 . . . “pivotally displacing the gripped workpiece in a plane generally parallel with said rotational axis to control receiving and delivery of a workpiece as the longitudinal central axis thereof approaches each of said first orientation and said second orientation.”

Claim 30 . . . “a drive shaft secured to said drive hub to rotate about an axis forming acute angles with the longitudinal axis of a workpiece in each of said horizontal orientation and said vertical orientation;

 pivots extending in a plane perpendicular to said axis about which said drive shaft rotates for pivotally connecting said plurality of workpiece grippers at angularly spaced apart sites to said drive hub; and

 control rods for pivotally displacing said workpiece grippers about said pivot thereof in a direction generally parallel with the axis about which said drive shaft rotates for controlling the delivery and reception orientations of workpieces with respect to said transport conveyor and said decorator conveyor.”

Additionally, attention is respectfully directed to applicants' specification page 33 with the paragraph beginning at line 3 and the referenced drawing illustration of Figure 22 and the illustrations of Figures 23-26. Wholly absent from the motion by the transfer apparatus 208 of Strutz and 24 of Rudolph is the reciprocating motion arising out of the use of control rods as more specifically enumerated above by the base independent claims. Since it is believed that the base independent claims patentably distinguish over the prior art of record, it is respectfully submitted that the recitations by the dependent claims thereon serve to further distinguish over the prior art.

The double patenting rejection of claim 29 as unpatentable over claims 24-28 of U. S. patent no. 6,581,750 is not well taken because this patent issued on applicants' parent application serial no. 10/600,717 of which this application is a divisional application. In view the

restriction requirement in serial no. 10/600,717 dated July 11, 2002 the double patenting rejection should be withdrawn. Accordingly, it is believed that this application is not condition for allowance and such action is earnestly solicited. In the event the Examiner believes a telephone interview will further the prosecution he is invited to telephone the undersigned at 412-366-6200.

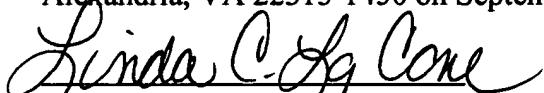
Attached hereto is check no.13032 in the amount of \$124.00 for payment of one independent claim in excess of three and nine dependent claims in excess of twenty.

Respectfully submitted,


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Enclosure

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 20, 2004 September 20, 2004


Linda C. LaCone

Date: September 20, 2004